

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DEAN W. CARROLL,

Plaintiff,

vs.

No. CIVIL 97-1680 BB/LCS

SANDIA NATIONAL LABORATORIES,

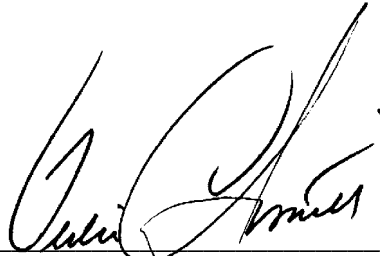
Defendant.

**MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on its Order to Show Cause filed on May 21, 1998, and subsequent hearing held on September 1, 1998. I find that the Plaintiff has not shown sufficient good cause for his failure to attend the May 18, 1998 Rule 16 Initial Scheduling Conference. Moreover, I find that the Plaintiff has failed to prosecute this case. D.N.M. LR-Cv 41.1 states that "[a] civil action may be dismissed if, for a period of ninety (90) calendar days, no steps are taken to move the case forward." The last action in this case by the Plaintiff was his June 17, 1998 written response to the Order to Show Cause. Before then, the Defendant had filed a motion to dismiss on May 8, 1998. Plaintiff never responded to the motion to dismiss. More than 90 days has elapsed without the Plaintiff affirmatively moving the case forward. For the above reasons, I recommend dismissing this cause without prejudice.

Timely objections to the foregoing may be made pursuant to 28 U.S.C. §636(b)(1)(C). Within ten days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant to §636(b)(1)(C), file written objections to such proposed findings and

recommendations. A party must file any objections within the ten day period allowed if that party wants to have appellate review of the proposed findings and recommendations. If no objections are filed, no appellate review will be allowed.

A handwritten signature in black ink, appearing to read 'Leslie C. Smith', written over a horizontal line.

Leslie C. Smith
United States Magistrate Judge

